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7 MATTHEW ENTERPRISE, INC.,
8 Plaintiff,
9 v.
10 CHRYSLER GROUP LLC,
11 Defendant.

Case No. [13-cv-04236-BLF](#)

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**ORDER GRANTING DEFENDANT'S
MOTION TO FILE INFORMATION
UNDER SEAL**

20 Before the Court is Defendant's administrative motion to file under seal portions of its
21 Partial Motion to Dismiss and Exhibit 1 thereto ("Motion to Seal," ECF 55), pursuant to Civil
22 Local Rule 79-5(d). Defendant seeks to seal portions of these two documents because they
23 reference confidential information concerning an agreement between Defendant and a third-party.
24 (*Id.* at 2) Plaintiff submits a declaration in support of the requested sealing ("Nagel Decl."). (ECF
25 55-1) Because Plaintiff's declaration offers a compelling reason to seal portions of the Partial
26 Motion to Dismiss and Exhibit 1 to the Motion, the Court GRANTS Defendant's Motion to Seal.

27 Courts recognize a "general right to inspect and copy public records and documents,
28 including judicial records and documents." *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d
1172, 1178 (9th Cir. 2006). Two standards govern motions to seal documents, a "compelling
reasons" standard, which applies to most judicial records, and a "good cause" standard, which
applies to "private materials unearthed during discovery." Cf. *Phillips ex rel. Estates of Byrd v.*
Gen. Motors Corp., 307 F.3d 1206, 1213 (9th Cir. 2002). A party that seeks to seal portions of a
motion to dismiss, and portions of any supporting documents, must meet the "compelling reasons"
standard articulated in *Phillips*.

29 In this case, the declaration filed with Defendant's Motion meets the compelling reasons

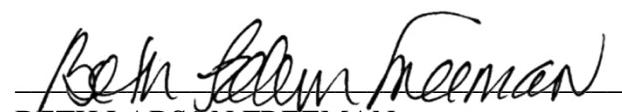
1 standard. Defendant cites facts to the Court regarding the reasons disclosure of this information
2 could “competitively disadvantage Chrysler in future negotiations with other dealers” if the terms
3 of the agreement in question were to be made public. (Nagel Decl., ECF 55-1 at ¶ 3)

4 Defendant has filed with the Court a public, redacted version of the Partial Motion to
5 Dismiss (ECF 55-3) as well as Exhibit 1 to the Partial Motion to Dismiss (ECF 55-5), consistent
6 with Civil Local Rule 79-5(d)(1)(C), and seeks only to seal the information related to the
7 confidential information in question. As such, Defendant’s request is appropriately narrowly
8 tailored.

9 For the foregoing reasons, the Court GRANTS Defendant’s Motion to Seal, and permits
10 Defendant to file under seal portions of its Partial Motion to Dismiss and Exhibit 1 thereto.

11 **IT IS SO ORDERED.**

12 Dated: September 2, 2014

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14 BETH LABSON FREEMAN
United States District Judge

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United States District Court
Northern District of California